

## REMARKS

### 112, second paragraph

Claims 34-60 have been rejected under 35 USC 112, second paragraph. Claims 34-60 have been amended in a manner believed to obviate the rejection under 35 USC 112, second paragraph. Accordingly, withdrawal of the rejection is respectfully requested.

### 102 rejection

Claims 30-33 have been rejected under 35 USC 102(b) as being anticipated by Rudy et al. (US6445536).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

*Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claims 30 and 33 have been amended to require a transfer layer positioned above the etch stop layer with a trench formed therein, walls of the trench tapering together towards the etch stop layer. Support for this amendment is found in Figs. 5E and 6F of the present application.

In sharp contrast, the walls of Rudy's cavity 208 are vertical. See, *e.g.*, Rudy Fig. 2D. Accordingly, by virtue of the amendments made to claims 30 and 33, each and every limitation is not found in Rudy. Withdrawal of the rejection and allowance of claims 30 and 33 is respectfully requested.

Claims 31 and 32 have been amended to require a pole situated on top of the etch stop layer, walls of the pole tapering together towards the etch stop layer. Support for this amendment is found in Figs. 5E and 6F of the present application.

In sharp contrast, the walls of Rudy's HBSat material 210 are vertical. See, e.g., Rudy Fig. 2F. Accordingly, by virtue of the amendments made to claims 31 and 32, each and every limitation is not found in Rudy. Withdrawal of the rejection and allowance of claims 31 and 32 is respectfully requested.

Should the Examiner wish to discuss this matter further, the Examiner is invited to call the undersigned at (408) 971-2573. For payment of any fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-2587 (Order No. SJO920020044US1).

Respectfully submitted,

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